



Supervisor: (845) 688-7165
Police: (845) 688-9902
Town Clerk: (845) 688-5004
Justice Court: (845) 688-5005
Assessor: (845) 688-5003
Assessor Fax: (845) 688-5708
ZBA/ZEO/Planning: (845) 688-5008
Highway: (845) 688-9901
Fax: (845) 688-2041

"The Heart of the Park... Where the Eagle Soars"

www.shandaken.us

P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

Special Permit and/or Site Plan Review Application

Information Sheet

Requirements: The Zoning Law of the Town of Shandaken requires that all property uses requiring a special use permit be approved by the Planning Board (herein referred to as "PB") prior to the issuance of Building Permits and Certificates of Occupancy. The law has established eight (8) classes of districts and designated the applications on the Zoning Map incorporated into the law. The use regulations in each zoning district are set forth in the District Schedule of Use Regulations, 5116.10 of the Zoning Codes. These codes may be reviewed online at: www.shandaken.us

Application: At least ten (10) days prior to the PB meeting, eight (8) copies of the application and all supporting documentation, plus four (4) hard copies of the plot plan and a PDF copy shall be submitted to the Building Department, together with applicable fees. The PB meets on the second Wednesday of each month at 7:00p.m. at the above noted address. Should you have any questions, please advise this department at least seven (7) days in advance so that you may be placed on the agenda for the Workshop Meeting which is held the last Wednesday of each month.

Supporting Documentation: A detailed plan for the proposed business or development, drawn to a readable scale and including all items indicated on the Site Plan Checklist, together with an AREA MAP, showing all adjacent properties, their owners, subdivisions and easements; a map of the applicant's contiguous holdings; and an existing conditions map, prepared by a licensed surveyor or professional engineer at a scale not less than 1" = 100' including metes and bounds description, locations of natural features, such as streams, wetlands, major rock or rock outcroppings, soil types and conditions, areas subject to flooding and landslides, major stands of trees and existing free-standing trees 12" or more in diameter at chest height within 25' of existing or proposed improvements and the location of existing man-made improvements of features such as buildings, roads, walls, fences, sidewalks, utilities and easements and a topographic map with contour intervals not greater than ten (10) feet, unless the PB requests lesser intervals.

Preliminary & Public Hearings: As previously stated, the above information should be submitted not less than ten (10) days prior to a preliminary meeting. The documents will be reviewed at a Preliminary Hearing, and if any further data is required, applicant will be advised. A Public Hearing will be scheduled in accordance with the procedures set forth in 5116-42 of the Zoning Law and Chapter 274a of the Town Law. When the application is moved to Public Hearing, all owners of abutting property, and all owners of property directly opposite and across any public or private road must be notified by certified mail/return receipt. The applicant will be provided with an invoice and list of abutters and payment in full for such mailing is due immediately.

Decision: After review of all information at the Public Hearing, the recommendations of other agencies whose consultations are mandated by law, and consideration of the provisions of the Zoning Law and other applicable ordinances, the PB will approve, approve with conditions or deny the application. The filing of the decision with the Town Clerk, in the case of approval, is deemed a Special Permit.

Expiration: Under S116.45 of the Zoning Code, a Special Permit shall be deemed to authorize only one (1) particular special use, and shall expire if a building permit for the special use permit activity is not issued within one (1) year of the date of issuance of the Special Use Permit.

Town of Shandaken Fee Schedule

Effective October 2020

| | |
|--|------------------|
| 1. Pre-Application Review | No Charge |
| 2. Application for Special Permit and/or Site Plan Review | \$150 |

Note: The listed in #2 is only applicable when the project does not trigger fees covered under items #3 and #4 listed below.

| | |
|--|---|
| 3. <u>Planning Fees for New or Replacement Construction</u> | |
| Residential Development of Multiple Dwelling Units | \$150 per application, plus \$25 per dwelling unit w/up to two (2) bedrooms, or \$15 per bedroom per dwelling unit |
| Commercial Development | \$150 per application, plus \$50 per 1,000 sqft of Building Footprint or fraction thereof |
| 4. <u>Site Development Disturbance</u> | |
| Up to one (1) acre of disturbance | \$250 per application |
| More than one (1) less than ten (10) acres of disturbance | \$500 per application |
| More than ten (10) acres of disturbance | \$2,500 plus \$50 per acre above ten (10) acres of disturbance |

Note: Site Development Disturbance applies to Special Permits and/or Site Plan Reviews which include grading, clearing, and demolition.

Special Permit and/or Site Plan Review Application

Applicant Information (if applicant is not the owner of the property, a notarized Agent Authorization form must be submitted)

Wright Architects PLLC

Name

54 Main St NY LLC

Name of Owner if other than Applicant

233 Fair Street

Mailing Address

10 Main Street

Mailing Address

Kingston, NY 12401

City/State/Zip

Phoenicia, NY 12464

City/State/Zip

(845) 338-3383

Contact Number

(702)-606-3042

Contact Number

Property Information

Section 14.13 Block 3 Lot 6 Zoning District HC Size 0.18 acres

Physical address: 54 Main Street which is on the south side of Main Street road/street/lane, in the Hamlet of Phoenicia, within 5 feet of State/County Highway # _____ in the Town of Shandaken.

Representative Information

Surveyor or Engineer (preparing the Site Plan)

Wright Architects PLLC

Other Representative

Mailing Address

233 Fair Street

Mailing Address

City/State/Zip

Kingston, NY 12401

City/State/Zip

Contact Number

(845) 338-3383

Contact Number

Use

Current Use Hotel/ Restaurant

Proposed Use (attach additional pages if needed)

Same

STATEMENT

The undersigned as individual owner(s) or as a qualified officer of the corporate owner of the above described property, hereby apply for approval of the proposed use and/or site plan for the development of the property in accordance with the provisions of the Zoning Law of the Town of Shandaken and authorize entry upon the property for site inspections by Planning/Zoning Officials and their authorized representatives. Further, I do hereby affirm that all fees, permits, and charges applicable under the laws and ordinance of the State of New York and Town of Shandaken (including those required for any environmental impact studies, etc) will be paid; also, any legal or engineering fees required, including consultant fees, if warranted, will be paid by applicant(s). Fees are due and payable to: Town of Shandaken upon submission of the application. Any of the additional fees can be paid prior to the final hearing.

Signature(s) _____ Date 03/21/2025

Note: Compliance with requirements shall be the sole responsibility of the applicant and/or his representative. Under the New York State SEQR law, it is a requirement to fill out an EAF statement for submission with this application.

Attachment – Plot Plan

Section: 14.13 Block: 3 Lot: 6

Location of lot: 54 Main Street, Phoenicia, NY 12464

Note: Plot plan must show the configuration of the lot (can be sketch plan) showing all buildings on the Parcel, giving the dimensions of each structure and **must reflect the setbacks of each Structure from the property lines (front/rear/sides.)** Sketch must be drawn to scale with scale indicated (if not providing professional drawings/plat.)

Site Plan Checklist

If the application includes the need for a Site Plan, the following checklist will simplify the items that will be required by the Planning Board. Please provide written responses to any required information that cannot be clearly reflected on the Site Plan. If you feel that the requirement is not applicable (N/A), you can check the box indicated. The final decision regarding whether information is necessary lies with the Planning Board.

Done **N/A**

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Title of drawing, including name and address of applicant and person(s) responsible for preparation of such drawing. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. North arrow, scale and date. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Accurate boundaries of the property plotted to scale. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Existing watercourses. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Grading and drainage plan showing existing and proposed contours at an appropriate interval to be specified by the Planning Board at the sketch plan conference, with two foot contour intervals and soils data generally required on that portion of any site proposed for development where general site grades exceed 5% or there may be susceptibility to erosion, flooding, or ponding. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Location, proposed use, and height of all buildings. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Location, design, and construction materials of all parking and truck-loading areas, with access and egress drives thereto. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Provision(s) for pedestrian access. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Location of outdoor storage of equipment and materials, if any. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Description of the method of sewage disposal and the location, design, and construction materials of such facilities. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 12. Description of method of securing water supply and the location, design, and construction materials of such facilities. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 13. Location of fire and other emergency zones, including the location of the nearest water supply for fire emergencies. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. Location, design, and construction materials of all energy distribution facilities Including electrical, gas, and solar energy. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 15. Location, size, design, and construction materials of all proposed signage. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 16. Location and proposed development of all buffer areas, including indications of existing vegetative cover. |

- 17. Location and design of outdoor lighting facilities, including data regarding when appropriate, lighting levels both within the site and at the site's boundaries.
- 18. Designation of the amount of building area proposed for retail sales, office use, or similar commercial activity.
- 19. Detailed landscaping plan and planting schedule including the number, size, type, and location of all canopy trees or understory trees, shrubs, and ground covers to be planted.
- 20. Building elevations and sections at a scale sufficient to delineate clearly the massing and the exterior materials, textures, and colors of all buildings and other structures shown on the Site Plan.
- 21. Other elements integral to the proposed development, as considered necessary By the Planning Board, including the identification of and State or County permits Required for the project's execution.

ALL ISSUES HAVE BEEN READ AND ADDRESSED FOR THE APPLICATION

Name of Applicant(s) Wright Architects PLLC

SBL 14.13-3-6

*******SHORT ENVIRONMENTAL ASSESSMENT FORM FOLLOWS*******

Short Environmental Assessment Form

Part 1 - Project Information

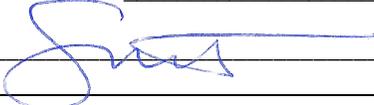
Instructions for Completing

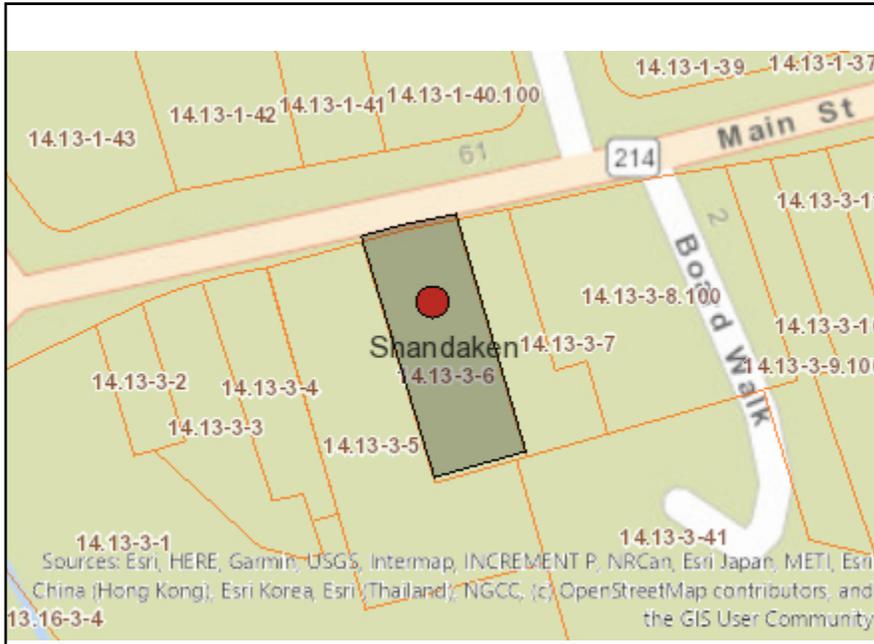
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| Part 1 – Project and Sponsor Information | | | |
|--|--|------------------------------------|---------------------------------|
| Ricciardella's Hotel and Restaurant | | | |
| Name of Action or Project: Reinstate the existing hotel and restaurant use | | | |
| Project Location (describe, and attach a location map): 54 Main St, Phoenicia, NY 12464 | | | |
| Brief Description of Proposed Action: Renovate the existing hotel and restaurant at the above address | | | |
| Name of Applicant or Sponsor: Wright Architects | | Telephone: 845-338-3383 | |
| | | E-Mail: wrightarchitects@gmail.com | |
| Address: 233 Fair Street | | | |
| City/PO: Kingston | | State: NY | Zip Code: 12401 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: | | | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? _____ n/a acres | | | |
| b. Total acreage to be physically disturbed? _____ n/a acres | | | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ n/a acres | | | |
| 4. Check all land uses that occur on, are adjoining or near the proposed action: | | | |
| 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) | | | |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): | | | |
| <input type="checkbox"/> Parkland | | | |

| 5. Is the proposed action, | NO | YES | N/A |
|---|---|---|--------------------------|
| a. A permitted use under the zoning regulations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? | NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> | |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Walls, roof and floor systems will be insulated to meet the local adopted Energy Code _____ | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ There is an existing septic system _____ | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | NO <input type="checkbox"/> <input checked="" type="checkbox"/> | YES <input checked="" type="checkbox"/> <input type="checkbox"/> | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____ | NO <input type="checkbox"/> <input checked="" type="checkbox"/> | YES <input checked="" type="checkbox"/> <input type="checkbox"/> | |

| | | |
|---|-------------------------------------|-------------------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan? | NO | YES |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>WRIGHT ARCHITECTS - ANDREW WRIGHT</u> Date: <u>03/18/2025</u> Signature: <u></u> Title: <u>AUTHORIZED AGENT</u> | | |



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



| | |
|---|---|
| Part 1 / Question 7 [Critical Environmental Area] | No |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | Yes |
| Part 1 / Question 12b [Archeological Sites] | No |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal] | No |
| Part 1 / Question 16 [100 Year Flood Plain] | Yes |
| Part 1 / Question 20 [Remediation Site] | No |

PARKING & SEPTIC SYSTEM
EASEMENT

9. Michael Ricciardella

Easement

-TO-

Dated: April 2, 1993

Ack.: same day

Rec.: April 15, 1993

Beecher Smith, Jr.
Arline C. Smith, his wife
(2nd parties not certified)

Liber 2270 of Deeds, page 229

Note: See attached copy.

!

REVOLUTION

TITLE AGENCY

INSTR 2270 PAGE 0230

THIS INDENTURE made this 15th day of April, Nineteen Hundred and Ninety-Three

BETWEEN MICHAEL RICCIARDELLA, residing at High Street, Phoenicia, New York 12464, party of the first part, and

BEECHER SMITH, JR. and ARLINE C. SMITH, his wife, residing at Route 214, Ianesville, New York 12450, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars (\$10.00), lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

1. A permanent easement over and across that a portion of the 2.573 acre parcel of Ricciardella described in a deed to him from Elizabeth A. Bauer dated March 26, 1986 and recorded in Liber 1501 of Deeds at page 0343 in the Office of the Clerk of the County of Ulster for the use and benefit of Smith, their heirs and assigns, and the tenants, employees, customers and business invitees of Smith and the tenants of Smith in connection with the use and occupancy of the commercial building situated on the 0.368 acre parcel of Smith conveyed to them by Rudolph W. Frank and Erica G. Frank by deed dated April 10, 1987 and recorded on such date in Liber 1707 of Deeds at page 0147 in the Ulster County Clerk's Office. Such easement is intended to be for the parking of automobiles and delivery and service vehicles and the like and for ingress and egress from such parking lot for Smith, together with the right to the use in common with Ricciardella of the twenty feet wide easement or right of way for ingress and egress leading to the parking lot on the 2.573 acre parcel from Bridge Street as the said easement or right of way is described in a deed from Peter S. Bauer to Elizabeth A. Bauer and recorded in Liber 1530 of Deeds at pages 746 and also having been mentioned in a certain deed recorded in Liber 199 of Deeds at page 498 in the Office of the Clerk of the County of Ulster. The portion of the 2.573 acre parcel over which this easement is intended is shown and depicted on a map of the parcel and designated as "Parking Easement Area" by Burgher and dated February 11, 1993 and is more particularly described in Schedule A hereof. The parties agree that the cost of maintenance of said parking area, including the removal of snow and ice therefrom, shall be paid in equal shares by Smith and Ricciardella. Each party also agrees to include such parking area within their insured premises in their policy of liability insurance and to name the other as an "additional insured". The parties further agree that such insurance, including any umbrella policy, will be in the minimal aggregate amount of \$1,000,000.00.

Also granting to Smith, their heirs and assigns, a permanent easement over the 2.573 acre parcel for the use of the in-ground sewage system which has been constructed by Ricciardella on such 2.573 acre parcel. Such sewage or sanitary waste system has been designed to accommodate the premises of Ricciardella described in a deed to him recorded in Liber 1595 at page 0041 but also the commercial building situated on the Smith premises. Ricciardella further represents that he has constructed such system in accordance with all necessary permits, licenses and approvals of the Department of Environmental Protection of the City of New York and the Ulster County Department of Health and he agrees that such system shall be kept and maintained in accordance with the standards and requirements of such entities.

Ricciardella hereby grants to Smith a permanent easement over the said 2.573 acre parcel for the use of such sanitary waste system by Smith for the benefit of the commercial building on the Smith parcel. Included in the rights granted hereby to Smith is the permanent right to connect to such system and discharge sewage and effluent into the same for the purpose of treatment and the right to install, maintain, repair and, if necessary, reinstall a tank and pipe lines for the collection of sewage from the Smith commercial building and its transport to the sanitary waste system.

LIBER 2270 PAGE 0231

The conveyance of the sewage rights hereunder to Smith is subject to the following conditions: The parties agree that the expense of the construction and installation of the sanitary waste system has been paid in its entirety by Ricciardella but that the cost of any maintenance and cleaning which is required as a result of normal operation shall be shared between Smith and Ricciardella with Smith paying one-third of the cost thereof and Ricciardella paying two-thirds. The parties agree, however, that the cost of any extraordinary repairs necessitated by the improper use of the system by either party shall be paid by the party improperly using such system. In the event that such system must be enlarged, replaced or upgraded in whole or part through no fault of either party, the cost of the same shall be paid for also on the basis of two-thirds by Ricciardella and one-third by Smith. Ricciardella reserves the right to use the sewage system not only for the Ricciardella Restaurant property (Liber 1586 p. 0041) but also for the benefit of the commercial building known as "Brios" situated on premises conveyed to him and described in a deed dated May 4, 1983 and recorded in Liber 1482 at page 845 of the Office of the Clerk of the County of Ulster even though the sanitary waste system is not now designed or approved for such use. Ricciardella agrees that if in the future he intends to use such system for the benefit of the Brios building, he will do so only if he shall first obtain approvals for such use by all necessary authorities having jurisdiction thereover and that under such circumstances he shall be responsible for the entire cost of obtaining such approvals and for the entire cost of installing any additions or enlargements of the system necessitated thereby. Smith shall bear the entire expense of connecting to the sanitary waste system and the cost of installing a collection tank which shall be installed on the premises of Smith. In the event that system shall require any enlargement as a result of additional sewage treatment requirements of Smith, Smith shall pay the entire cost thereof.

The Smiths further agrees for themselves, their heirs and assigns, to protect and hold harmless the party of the first part for any and all claims, suits and causes of actions for any personal injury claims or any tort liability whatsoever arising from the use of the premises of the parties of the first part by the party of the second part, their heirs, assigns, customers business invitees or other persons.

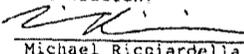
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

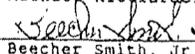
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

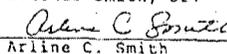
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In presence of


Michael Ricciardella


Beacher Smith, Jr.


Arline C. Smith

LIBR 2270 PAGE 0232

STATE OF NEW YORK COUNTY OF GREENE ss:

On the 15th day of April, 1993 before me personally came Beecher Smith, Jr., Arline C. Smith and Michael Ricciardella to me known to be the individuals described in and who executed the foregoing instrument, and they acknowledged that they executed the same.


Anthony C. Bucca
Notary Public, State of New York
No. 5502835
Qualified in Greene County
Commission Expires June 30, 1994

REVOLUTION
TITLE AGENCY

REFERS: 14.12-3-41

R9 R:

Anthony C. Bucca, 1850
Box 907
Tannersville, NY 12485

Fisher

LIBR 2270 PAGE 0233

ALL THAT CERTAIN PIECE OR PARCEL of land situate in the Hamlet of Phoenicia, Town of Shandaken, Ulster County, New York to be used jointly as a parking lot and bounded and described as follows:

BEGINNING at a point at the northwest corner of the herein described lands, said point being North 78 02' 59" East, 10.00 feet distant from a No. 6 re-bar driven in the ground on the northeast corner of the lands of Herman Folkerts (L.1291/p.518); thence from said point of Beginning and following a line 10' east of said H. Folkerts and Alonzo Gale (L.1353/p.1059) through the lands of Michael Ricciardella (L.1591/p.343) South 14 27' 35" East, 80.00 feet to a point; thence continuing through the lands of said Ricciardella North 75 32' 25" East, 92.29 feet to a point; thence South 74 05' 44" East, 30.28 feet to a point, said point being South 76 54' 55" West, 15.00 feet distant from an iron pipe on the southwest corner of other lands of Michael Ricciardella (L.1482/p.845); thence continuing through the lands of Ricciardella (L.1591/p.343) North 15 17' 50" West, 91.70 feet to a point on the southerly bounds of the lands of Beecher Smith (L.1707/p.147); thence following the southerly bounds of the lands of said Smith South 76 54' 55" West, 76.44 feet to an iron pipe; thence continuing along the lands of Smith South 78 02' 59" West, 40.69 feet to the point and place of Beginning.

CONTAINING two hundred fifteen thousandths (0.215) acres.

ALSO granting a small parcel of land at the southwest corner of the above described lot for the location of a trash dumpster or dumpsters, said parcel described as follows:

BEGINNING at a point 10 feet easterly of the division line of the lands of Alonzo Gale (L.1353/p.1059) on the west and Michael Ricciardella (L.1591/p.343) on the east, said point being the southwest corner of the first herein described parcel; thence from said point of Beginning and passing through the lands of said Ricciardella the following three (3) courses and distances; (1) South 14 27' 35" East, 50.00 feet to a point; thence (2) North 75 32' 25" East, 20.00 feet to a point; thence (3) North 14 27' 35" West, 50.00 feet to a point on the southerly bounds of the first herein described parcel; thence following the southerly bounds of said parcel South 75 32' 25" West, 20.00 feet to the point of Beginning.

CONTAINING 1000 S.F. of land.

SCHEDULE "A"
RICCIARDELLA to SMITH

RS
INITIALS
HERE

AS
INITIALS
HERE

MK
INITIALS
HERE

Parties: 54 Main St NY LLC, successor in interest to Beecher Smith, Jr. and Arline C. Smith ("54 Main St"), and Michael Ricciardella ("Ricciardella").

Summary: Ricciardella granted a permanent easement to 54 Main St for (i) access to and use of the parking lot (the "Parking Lot") located on Ricciardella's property and (ii) use of the in-ground sewage system located on Ricciardella's property (the "Sewage System") which shall be maintained by Ricciardella in

accordance with all applicable standards and regulations. Seller confirmed at Paragraph 15 of Seller's Certificate that, as of Closing, (i) payment of all fees under this Agreement are current, (ii) there are no uncured violations of the covenants, conditions or restrictions contained in this Agreement, and (iii) Seller had not received any notice or claim of any violation under the Agreement.

- All maintenance costs associated with the Parking Lot are split 50/50 between 54 Main St and Ricciardella. Additionally, each party must cause the Parking Lot to be covered under their property insurance, which policy shall be in the minimum aggregate amount of \$1,000,000, and list the other party as an additional insured.
- Ricciardella is responsible for 2/3 of the maintenance costs associated with the Sewage System and 54 Main St is responsible for the remaining 1/3. However, any extraordinary costs resulting from improper use of the Sewage System shall be the responsibility of the party who engaged in such improper use.

SPDES PERMIT AND RECEIPT

RE: *SPDES General Permit for Private, Commercial, and Institutional Discharges to Groundwater of Treated Sanitary Sewage (GP-0-15-001)*

To Whom It May Concern:

Your facility is authorized to discharge treated sanitary sewage to groundwater by the SPDES Private/Commercial/Institutional (PCI) General Permit (GP 0-15-001).

GP 0-15-001 expires on May 10, 2025 and will be renewed with the next version of the PCI General Permit. DEC anticipates the renewal of the PCI General Permit to be effective on May 11, 2025.

GP 0-15-001 requires PCI permittees to submit a renewal application at least 180 days before permit expiration (submit by November 11, 2024). To meet this permit requirement, permittees must submit a renewal application. The PCI General Permit Renewal Application form can be accessed using the electronic tool, nForm, with an NY.gov account. To create your NY.gov account, go to this webpage and follow the instructions: <https://dec.ny.gov/maps/nysdec-nform> NOTE: Create a "Personal" account using your work email address.

The Quick Start Guide on the nForm page has instructions on how to find a form. Search for "PCI General Permit Renewal Application" using the Form Finder in nForm.

If you have any questions, please contact Bob Capowski, robert.capowski@dec.ny.gov

Thank you.



Department of
Environmental
Conservation



Department of Environmental Conservation

Customer Number 67897 Invoice 9990000649597

Environmental Conservation Law (ECL) Article 72 and 6NYCRR Part 481 of this Department provide that all persons who require a permit, certificate, or approval pursuant to a State environmental regulatory program, or who are subject to regulation under a State environmental regulatory program, are required to submit an annual fee to this Department.

Remittance must be received by the payment due date shown on the invoice to avoid interest and penalty charges. Interest rates are set by the Commissioner of Taxation and Finance, and assessed pursuant to Article 72 of the Environmental Conservation Law. Penalties are assessed based on the amount of the payment deficiency at a rate of five percent of that deficiency per month, not to exceed twenty-five percent. NOTE: The penalty rate for the Operating Permit Program may differ and is shown on your invoice, if applicable.

DISPUTES: Please take notice that pursuant to 6 NYCRR 481.9(c) challenges to a Regulatory Program Fee may be rejected under the following circumstances; (1) failure to make a request for a recalculation of the fee within 30 business days of the date of the Department's original invoice; or (2) failure to make payment in full of the undisputed amount of the annual program fee; or (3) failure to give a specific reason for challenging the fee. A new fee recalculation request must be submitted for each year's assessment, regardless of the status of the previous years recalculation request.

IF A DETERMINATION IS MADE IN FAVOR OF THE DEPARTMENT, DISPUTED AMOUNTS NOT PREPAID AT THE TIME OF DISPUTE ARE SUBJECT TO INTEREST AND PENALTY CHARGES, RETROACTIVE FROM THE DUE DATE.

If you have any questions regarding this bill, you may call the Regulatory Fee Determination Unit's INFORMATION LINE (518) 402-9343 between 9:00am and 4:00pm Monday through Friday.

Dispute Forms, Change of Address Forms and Permit Transfer Forms can all be requested at any Regional DEC Office or you may download them directly at https://www.dec.ny.gov/about/61016.html

To: MICHAEL RICCIARDELLA 68 MAIN ST PO BOX 10 PHOENICIA, NY 12464

Checks should be made payable to: NYS Department of Environmental Conservation. Please include a copy of this invoice along with your payment.

Remit To: NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION PO BOX 784971 PHILADELPHIA, PA 19178-4971

Table with 2 columns: Description and Amount. Rows include SubTotal (\$), Interest (\$), Penalties (\$), Payments (\$), Credits (\$), and Outstanding balance as of 29-Aug-2024 in USD.

Customer Number 67897
Invoice 9990000649597

Customer Number
67897

Please include a copy of this page with all payments.

Legally Responsible Party (LRP):
MICHAEL RICCIARDELLA
68 MAIN ST
PO BOX 10
PHOENICIA, NY 12464

Transaction
9990000649597
Billing Date
29-Aug-2024

SPDES ID Number
3-5150-00111/00003

Facility Name & Address:
RICCIARDELLA'S RESTAURANT
68 MAIN ST
PHOENICIA, NY 12464

| Terms | Due Date | Customer Contact | Contact Phone |
|--------|-------------|----------------------|---------------|
| 30 NET | 28-Sep-2024 | MICHAEL RICCIARDELLA | |

| Description | Billing Year | Fees |
|---------------------------|--------------|--------|
| SPDES General Permit Fees | 2024 | 110.00 |

Special Instructions

All payments must be in U.S. dollars only.

| | |
|----------------|--------|
| SubTotal (\$) | 110.00 |
| Interest (\$) | 0.00 |
| Penalties (\$) | 0.00 |
| Payments (\$) | 0.00 |
| Credits (\$) | 0.00 |

Outstanding balance as of 29-Aug-2024 in USD 110.00

SPORTSMANS ALAMO CANTINA, LTD.

NYS ENVIRONMENTAL CONSERVATION

9/18/2024

1448

110.00

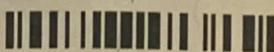
PAYMENT RECORD

Cash USB New Chec 67897

110.00



10532



105321



Rev 6/21